

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
)
Plaintiff,)
) **Jury Trial Demanded**
v.)
)
FEDERAL INSURANCE COMPANY,)
an Indiana corporation and ACE)
AMERICAN INSURANCE COMPANY,)
a Pennsylvania corporation,)
)
Defendants.)
)

**DECLARATION OF HEATHER KLIEBENSTEIN IN SUPPORT OF PLAINTIFF
FAIR ISAAC CORPORATION’S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR SANCTIONS FOR SPOILIATION AND FAILURE TO COMPLY
WITH DISCOVERY ORDER**

I, Heather Kliebenstein, declare as follows:

1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.

2. I make this Declaration on my own information, knowledge, and belief in support of Plaintiff's Fair Isaac Corporation's Motion for Sanctions for Spoliation and Failure to Comply with Discovery Order.

3. Attached hereto as Exhibit 1 is a true and correct copy of Chubb and Son, a Division of Federal Insurance Company's Request for Information. This document served as Exhibit 143 to the deposition of Russell Schreiber.

4. Attached hereto as Exhibit 2 is a true and correct excerpt of the Expert Report of Neil J. Zoltowski with Respect to Damages, served on April 19, 2019.

5. Attached hereto as Exhibit 3 is a true and correct excerpt of the Expert Report of R. Bickley (Bick) Whitener, served on April 19, 2019.

6. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff Fair Isaac Corporation's Second Set of Interrogatories to Defendant Federal Insurance Company (15-21), served on December 29, 2017.

7. Attached here to as Exhibit 5 is a true and correct copy of Federal Insurance Company's Sixth Supplemental Answer to Plaintiff's Interrogatory No. 18, served on March 21, 2019.

8. Attached hereto as Exhibit 6 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 20, served on March 21, 2019.

9. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff Fair Isaac Corporation's Second Set of Requests for Production of Documents to Defendant Federal Insurance Company, served on December 29, 2017.

10. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiff Fair Isaac Corporation's Fourth Set of Requests for Production of Documents to Defendants Federal Insurance Company and ACE American Insurance Company, served on December 28, 2018.

11. Attached hereto as Exhibit 9 is a true and correct copy of a November 19, 2019 letter from Christopher D. Pham to Allen Hinderaker and Heather Kliebenstein.

12. Attached hereto as Exhibit 10 is a true and correct copy of a November 19, 2019 email from Joe Dubis to Christopher Pham.

13. Attached hereto as Exhibit 11 is a true and correct copy of a November 19, 2019 email from Christopher Pham to Joe Dubis.

14. Attached hereto as Exhibit 12 is a true and correct copy of a December 17, 2019 email from Christopher D. Pham to Joe Dubis, Allen Hinderaker, and Heather Kliebenstein.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: February 25, 2020

/s/ Heather Kliebenstein
Heather Kliebenstein